

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

WAYNE P. BUCHANAN,

Plaintiff,

v.

Case No. 1:04-CV-436

GREEN MEADOW VILLAGE, LLC

HON. GORDON J. QUIST

Defendant.

---

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has before it Plaintiff's Objection the Report and Recommendation dated November 21, 2005, in which Magistrate Judge Brenneman recommended that Plaintiff's motion for summary judgment be denied because genuine issues of material fact remain with respect to Plaintiff's Fair Housing Act ("FHA") claim. After conducting a de novo review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

In his report and recommendation, the magistrate judge, after reviewing Plaintiff's motion and brief, concluded that "Plaintiff apparently seeks summary judgment on his Fair Housing Act claim." (Report & Recommendation at 3.) As the Court understands Plaintiff's objection, Plaintiff raises two arguments. First, he appears to argue that he sought summary judgment "upon the whole case" and not only with regard to the FHA claim. That is, he contends that the magistrate judge should have determined whether Plaintiff was entitled to summary judgment on his state law claims, including the claim for malicious prosecution. Second, he argues that the magistrate judge erroneously concluded that genuine issues of material fact remain with regard to the FHA claim.

With regard to Plaintiff's argument that the magistrate judge failed to consider Plaintiff's state law claims, the Court has reviewed Plaintiff's motion and brief and concludes that the magistrate judge properly concluded that Plaintiff's motion for summary judgment was limited to Plaintiff's FHA claim. Plaintiff's brief was devoted largely to Plaintiff's efforts to provide information to other park residents regarding their rights under the FHA. Plaintiff did not cite any case law discussing the elements of a malicious prosecution claim, nor did he specifically discuss those elements or explain why they had been established. Thus, the magistrate judge properly limited his analysis to the FHA claim.

The Court has reviewed the evidence Plaintiff cites in his objection and concludes that the magistrate judge's conclusion that genuine issues of material fact remain, specifically with regard to whether Plaintiff aided or encouraged any member of a protected class in the exercise of their rights under the FHA and whether there is a causal connection between Defendant's actions and Plaintiff's exercise of his rights under the FHA, was not erroneous. As the magistrate judge observed, the affidavit of William Grondman, Sr. was sufficient to create issues of fact precluding summary judgment on Plaintiff's FHA claim. Therefore,

**IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation issued November 21, 2005 (docket no. 101) is **APPROVED AND ADOPTED** as the Opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff's Motion For Summary Judgment (docket no. 76) is **DENIED**.

Dated: December 28, 2005

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE